

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEEP ON KICKING MUSIC, INC., KEEP ON
MOVING MUSIC, INC., and FREE WORLD MUSIC,
LIMITED,

Plaintiffs,

- against -

UNIVERSAL MUSIC GROUP, INC., UNIVERSAL
MUSIC PUBLISHING GROUP, QUALITY
CONTROL MUSIC, CAPITOL RECORDS, LLC,
MOTOWN RECORDS, IDALY PUBLISHING, INC.,
KREYOL MUSIC, INC., and MELODIE MAKERS,
INC.,

Defendants.

UMG RECORDINGS, INC. (incorrectly sued as
“Capitol Records, LLC” and “Motown Records”),
UNIVERSAL MUSIC CORPORATION (incorrectly
sued as “Universal Music Publishing Group”),
UNIVERSAL MUSIC GROUP, INC., and QUALITY
CONTROL MUSIC, LLC (incorrectly sued as “Quality
Control Music”), Counterclaim-Crossclaim Plaintiffs,

- against -

KEEP ON KICKING MUSIC, INC., KEEP ON
MOVING MUSIC, INC., and FREE WORLD MUSIC,
LIMITED,

Counterclaim Defendants,

IDALY PUBLISHING, INC., KREYOL MUSIC, INC.,
and MELODIE MAKERS, INC.,

Crossclaim Defendants.

KREYOL MUSIC, INC. and MELODIE MAKERS,
INC.,

Third-Party Plaintiffs and
Counterclaim-Crossclaim Plaintiffs,

- against -

No. 23-CV-4400 (JPO) (BCM)

**NOTICE OF MOTION
TO DISMISS
THIRD-PARTY COMPLAINT**

ROBERT MARTINO,

Third-Party Defendant,

KEEP ON KICKING MUSIC, INC., KEEP ON
MOVING MUSIC, INC., and FREE WORLD MUSIC,
LIMITED,

Counterclaim Defendants,

UMG RECORDINGS, INC., UNIVERSAL MUSIC
CORPORATION, UNIVERSAL MUSIC GROUP,
INC., QUALITY CONTROL MUSIC, LLC, and
IDALY PUBLISHING, INC.,

Crossclaim Defendants.

PLEASE TAKE NOTICE, that upon the annexed Memorandum of Law, Third-Party Defendant Robert Martino (“Third-Party Defendant”) will move this Court, before the Honorable Paul L. Oetken, United States District Judge, at the United States District Court for the Southern District of New York, located at 40 Foley Square, Courtroom 706, New York, New York 10007, on a date to be determined by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, granting Third-Party Defendant’s motion to dismiss the Third-Party Claims (ECF 87) of Third-Party Plaintiffs Kreyol Music, Inc. and Melodie Makers, Inc. (“Third-Party Plaintiffs”) asserted against Third-Party Defendant, for failure to state a claim.

PLEASE TAKE NOTICE, that Third-Party Plaintiffs' opposition papers, if any, shall be served and filed by November 13, 2024, and Third-Party Defendant's reply papers, if any, shall be served and filed by November 27, 2024, or on such dates as determined by the Court.

Dated: New York, New York
October 22, 2024

Respectfully submitted,

/s/ Hillel I. Parness
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Music, Limited*